

**United States District Court**  
for  
**Middle District of Tennessee**

**Petition to Modify the Condition or Term of Supervision**

Name of Offender: Richard Wayne Wilson Case Number: 3:09-00146  
Name of Sentencing Judicial Officer: Honorable William J. Haynes, Jr., United States District Judge  
Date of Original Sentence: November 20, 2009  
Original Offense: 18 U.S.C. § 2113(a) Bank Robbery (3 counts)  
Original Sentence: 44 months' custody and three years' supervised release  
Type of Supervision: Supervised Release Date Supervision Commenced: February 22, 2013  
Assistant U.S. Attorney: To be determined Defense Attorney: Isaiah Gant

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**PETITIONING THE COURT**

- To modify the release conditions as follows:

**The defendant shall participate in a substance abuse treatment assessment and comply with any subsequent treatment recommended by treatment staff, to include outpatient or inpatient treatment. The defendant shall pay for the cost of treatment services, to the extent he is able, as determined by the probation officer.**

THE COURT ORDERS:

- ☐ No Action  
☐ The extension of supervision as noted above.  
☐ The modification(s) as noted above.  
☒ Other

*This document is set for a hearing on October 31, 2014 at 11:00 am*  
Considered this 20<sup>th</sup> day of October, 2014,  
and made a part of the records in the above case.



William J. Haynes, Jr.  
U.S. District Judge

I declare under penalty of perjury that  
the foregoing is true and correct.  
Respectfully submitted,



Britton Shelton  
U.S. Probation Officer

Place Nashville, Tennessee

Date October 3, 2014

### ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

**Violation No. Nature of Noncompliance**

**1. The defendant shall refrain from any unlawful use of a controlled substance.**

On September 15, 2014, Mr. Wilson tested positive for cocaine. He denied having used any illegal drug, but could offer no explanation for the positive result. Mr. Wilson attempted to attribute the positive test to a medical condition and possible effects from prescription medications, based on what he had read on the internet, however, the cocaine positive was confirmed as such by the testing laboratory.

**Compliance with Supervision Conditions and Prior Interventions:**

Richard Wayne Wilson is employed on a full-time basis and lives in an apartment with his girlfriend in Smyrna, Tennessee. He began his term of supervised release on February 22, 2013, and his supervision is currently scheduled to terminate on February 21, 2016. He has a special condition of supervised release ordering him to submit to drug testing, but no condition for substance abuse treatment. Following his most recent positive drug test, the probation officer recommended Mr. Wilson consider substance abuse treatment, but Mr. Wilson declined any need for treatment, claiming it would be of no use as he had not used cocaine.

On April 7, 2014, a report was submitted to the Court noting Mr. Wilson tested positive for cocaine on March 25, 2014. Mr. Wilson claimed he had been at a funeral with some former associates and attributed his positive drug test to someone putting something into his drink or food. No action was ordered by the Court at that time. Mr. Wilson's drug testing was increased and he had no positive drug tests until September 15.

**U.S. Probation Officer Recommendation:**

Given this is Mr. Wilson's second positive drug test for cocaine this year and he has a history of substance abuse issues, per his presentence investigation where his previous cocaine use was described as "recreational and sporadic", it is recommended that his special conditions be modified as indicated in this petition. The U.S. Attorney's Office has been advised of Mr. Wilson's noncompliance and concurs the probation officer's recommendation for modification of the release conditions.

Approved: \_\_\_\_\_

Jim Perdue

Deputy Chief U.S. Probation Officer